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U.S. Department of Homeland Security
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Washington, DC 20536



U.S. Citizenship
and Immigration
Services

FILE:

Office: PHOENIX (LVG)

Date:

JUL 14 2004

IN RE:

Obligor:

Bonded Alien:

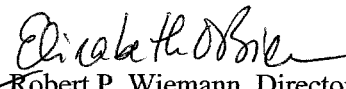
IMMIGRATION BOND:

Bond Conditioned for the Delivery of an Alien under Section 103 of the
Immigration and Nationality Act, 8 U.S.C. § 1103

ON BEHALF OF OBLIGOR: Self-represented

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.


Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The delivery bond in this matter was declared breached by the Field Office Director, Detention and Removal, Phoenix, Arizona, and is now before the Administrative Appeals Office on appeal. The appeal will be rejected.

The record indicates that on February 20, 2003, the obligor posted a \$2,500 bond conditioned for the delivery of the above referenced alien. A Notice to Deliver Alien (Form I-340) dated December 22, 2003, was sent to the obligor via certified mail, return receipt requested. The notice demanded the bonded alien's surrender to Immigration and Customs Enforcement (ICE) at 10:00 a.m. on January 20, 2004, at [REDACTED]. [REDACTED] The obligor failed to present the alien, and the alien failed to appear as required. On January 23, 2004, the field office director informed the obligor that the delivery bond had been breached.

The appeal has been filed by the bonded alien's attorney. The alien and the attorney are without standing in this proceeding.

An immigration bond is a contract between ICE and the obligor. The obligor or his/her attorney-in-fact is the proper party to appeal the ICE decision to breach the bond. *See Matter of Insurance Company of North America*, 17 I&N Dec. 251 (Act. Reg. Comm. 1978).

The regulations provide that an appeal filed by a person or entity not entitled to file it must be rejected as improperly filed. In such a case, any filing fee ICE has accepted will not be refunded. 8 C.F.R. § 103.3(a)(2)(v).

ORDER: The appeal is rejected.